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**Remarks**

Entry of the above amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. Claims 1-14 and 16-19 remain pending.

Applicant gratefully acknowledges the indication of allowable subject matter for all claims except 1, 14 and 19.

**Claim Rejection - 35 U.S.C. §102:**

Claims 1, 14 and 19 are rejected under 35 U.S.C. §102 as being anticipated by Miyashita (U.S. Patent No. 6,304,611). This rejection is respectfully traversed.

For explanatory purposes, applicants discuss herein one or more differences between the applied reference and the claimed invention with reference to one or more parts of the applied reference. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the applied reference correspond to the claimed invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is well-settled that there is no anticipation unless (1) all the same elements are (2) found in exactly the same situation and (3) are united in the same way to (4) perform the identical function.

Applicants respectfully submit that the Office Action's citations to the applied reference do not teach or suggest one or more elements of claim 1.

Claim 1 defines a radar apparatus in which a programmable waveform generator component generates a complete waveform. One or more modulators receive the waveform from the

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generator component and transmit a signal with controlled phase and amplitude based on the waveform to an antenna.

Mary describes an orthogonal frequency division multiplexed in which the waveform during a guard interval is controlled to minimize spurious responses that can cause interference outside the intended frequency band. See Mary, FIG. 19 (d) and (e), and FIG. 20 (d) and (e). As explained in Mary with regard to FIG. 9, the symbol edge signal generator 2 causes amplitude controller 1 to control the amplitude of the respective quadrature signals during the guard band interval, but does not control the waveform being generated other than during the guard band interval time. In the Office Action it was indicated that item 2 (symbol edge signal generator) of FIG. 9 of Mary could be read on the programmable waveform generator of claim 1. However, such an analogy does not comply with the requirements of claim 1. In at least one aspect, the programmable waveform generator component generates a complete waveform unlikely partial control provided by the symbol edge signal generator 2 of Mary. Therefore, claim 1 is not anticipated based on the teachings of Mary and withdrawal of the 35 U.S.C. 102 rejection is requested.

Since claim 1 is believed to be allowable, the remaining dependent claims should also be allowable.

Independent claim 14 has been amended to incorporate the subject matter of claim 15, and hence is believed to be in condition for allowance. Claims depending on parent claim 14 should also be allowable.

Independent claim 19 has been amended to incorporate the subject matter of claim 20, and hence is believed to be in condition for allowance.

Where no amendments are made to certain claims, the examiner must not rely on any other teachings in the reference if the rejection is made final as to those certain claims. If a newly cited reference is added for reasons other than to support a prior common knowledge statement and a

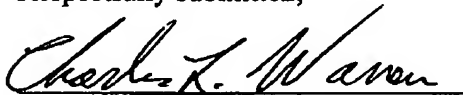
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new ground of rejection is introduced by the examiner that is not necessitated by applicant's amendment of the claims, the rejection may not be made final. MPEP 2144.03

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicants' attorney.

Respectfully submitted,



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